

Message Text

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ACTION L-03

INFO OCT-01 IO-10 ISO-00 AF-06 ARA-06 EA-07 EUR-12 NEA-10

/055 W

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R 132022Z NOV 75

FM USMISSION USUN NY

TO SECSTATE WASHDC 3969

C O N F I D E N T I A L SECTION 1 OF 2 USUN 5933

E.O. 11652: GDS

TAGS: UN, PFOR

SUBJECT: UNGA LEGAL COMMITTEE: INFORMAL CONSULTATIONS ON
AD HOC COMMITTEE ON UN CHARTER AND STRENGTHENING ROLE OF UN

REF: USUN 5887

SUMMARY: FRANCE IS ENTHUSIASTIC ABOUT PHILIPPINE TEXT, UK
SOMEWHAT LESS SO AND USSR TAKING TOUGHER LINE. INFORMAL CON-
SULTATIONS WERE HELD PM 12 NOVEMBER ON SUBJECT ITEMS.
ALGERIAN AND POLISH DELS (FOR DIFFERENT REASONS) QUESTIONED
UTILITY OF HOLDING CONSULTATIONS. NUMEROUS DELS RESPONDED
UTILITY WAS GREAT NEED TO ACHIEVE CONSENSUS ON SUBJECT, AND
WHILE CONSULTATIONS WERE OCCURRING AT EARLY STAGE OF DEBATE,
THEY COULD NOT BE REGARDED AS PREMATURE. ALGERIAN AND
TUNISIAN DELS MADE PROPOSAL THAT COLOMBIAN AND PHILIPPINE
TEXTS BE MERGED. PHILIPPINE DEL EXPRESSED WILLINGNESS TO
CONSIDER ANY APPROACH WHICH WOULD YIELD CONSENSUS AND COL-
OMBIAN DEL FELT TWO TEXTS WERE COMPATIBLE. MEETING CON-
CLUDED WITH PHILIPPINE DEL, AS CHAIRMAN, STATING HIS ASSESS-
MENT THAT ALL DELEGATIONS REALIZED IMPORTANCE OF NEED TO
ACHIEVE CONSENSUS ON MATTER. END SUMMARY.

1. US, UK, FRENCH AND SOVIET DELOFFS HELD QUADRIPARTITE
MEETING TO PREPARE FOR CONSULTATIONS. FIFOOT (UK)
INDICATED HE REGARDED PHILIPPINE TEXT AS HELPFUL MOVE BUT
THAT LONDON SOMEWHAT LUKEWARM. MUSEUX (FRANCE) LEFT LITTLE
DOUBT PARIS WAS PLEASED BY TEXT AND COULD ACCEPT IT AS IT
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STOOD WITH MINOR CHANGE TO PARA 4. WE INDICATED OUR PRE-

LIMINARY REACTION SIMILAR TO THAT OF FRANCE. KOLESNIK SAID WHEN HE RETURNED TO MISSION PM NOV 11 AND CONSIDERED PHILIPPINE TEXT HE CONCLUDED IT WAS NOT AS GOOD AS HE HAD THOUGH AT FIRST AND WAS IN FACT UNSATISFACTORY. (APPARENTLY AMB MALIK BERATED HIM FOR NOT HAVING STUCK TO HARD LINE).

2. US AND MUSEUX ARGUED THAT WE SHOULD BE CAREFUL NOT TO DISCOURAGE PHILIPPINE EFFORT SINCE RETURN TO COLOMBIAN TEXT WOULD CAUSE SERIOUS TROUBLE. SPECIFICALLY DELOFF AND MUSEUX ARGUED THAT IF COLOMBIAN TEXT PUT TO VOTE FOUR POWERS WOULD BE PUT IN VERY UNCOMFORTABLE POSITION OF VOTING AGAINST IN SERIOUSLY DIMINISHED COMPANY OR MOVING TO AN ABSTENTION IN ORDER TO COVER OUR DWINDLING SUPPORT THUS RISKING CREATING THE IMPRESSION OUR RESOLVE WAS WEAKENING. AFTER THE THIRD TIME THIS VIEW WAS EXPRESSED KOLESNIK GRUDINGLY ACKNOWLEDGED IT HAD SOME VALUE AND THAT WE SHOULD NOT DISCOURAGE THE PHILIPPINE TEXT.

3. KOLESNIK SAID GRAVEST FLAW IN PHILIPPINE TEXT WAS ABSENCE OF EXPRESS REFERENCE TO "SUGGESTIONS NOT INVOLVING CHARTER CHANGES." MUSEUX DISAGREED ARGUING THAT SUCH EXPRESS MENTION IN MANNER DONE LAST YEAR OR MANNER WE COULD HOPE TO ACHIEVE THIS YEAR UNDERLINED PRIMARY PURPOSE OF CHARTER REVISION AND THUS SOMETHING FOR WHICH FRANCE COULD NOT VOTE. IN OUR VIEW NATURE OF US POSITION, AS DISTINGUISHED FROM THAT OF BOTH FRANCE AND USSR ENABLES US TO BE FLEXIBLE ON OMISSION OR EXPRESS INCLUSION OF REFERENCE TO SUGGESTIONS NOT INVOLVING CHARTER CHANGE. WE SAID AS MUCH TO FRENCH AND SOVIETS AND URGED THEM TO TRY TO FIND A COMMON VIEW.

4. CONSULTATIONS ON SUBJECT ITEM CONTINUED WEDNESDAY 12 NOVEMBER. BAJA (PHILIPPINES) CONTINUED IN ROLE AS CHAIRMAN OF GROUP, WHICH WAS COMPOSED, GENERALLY, OF FORMER MEMBERS OF AD HOC COMMITTEE.

5. FIRST DELEGATION TO TAKE FLOOR WAS ALGERIA (ALGERIA HAD NOT BEEN PRESENT AT PRIOR MEETING 11 NOV)). ALGERIAN STATED HE WAS NOT QUITE CERTAIN WHY WE WERE HAVING MEETING. HE
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ASKED FOR CLARIFICATION OF SIGNIFICANCE OF MEMBERSHIP COMPOSITION OF MEETING AND THE PURPOSE OF MEETING. POLISH DEL TOOK APPROACH SIMILAR TO ALGERIAN, STATED THAT, IN POLISH VIEW, MEETING WAS PREMATURE. HE SAID MEMBERS HAD NOT YET ASSESSED AD HOC COMMITTEE REPORT OR HAD FULL BENEFIT OF GENERAL DEBATE ON SUBJECT. IN RESPONSE BAJA STATED PURPOSE OF CONSULTATIONS WAS TO OVERCOME POLARIZED POSITIONS WHICH WERE EVIDENCED DURING LAS GA AND WHICH HANDICAPPED WORK

OF AD HOC COMMITTEE. PARTIES ASSEMBLED WERE ASSEMBLED ESSENTIALLY AS INTERESTED PARTIES, AND OUR PURPOSE WAS TO ACHIEVE CONSENSUS RESOLUTION OR CONSENSUS COURSE OF ACTION.

6. USDEL SYMPATHIZED WITH SOME OF POLISH AND ALGERIAN VIEWS SINCE AT NOV 11 MEETING WE FOUND OURSELVES IN SAME POSITION. NEVERTHELESS WE UNDERSTOOD THESE MEETINGS AS PRELIMINARY EXPLORATIONS TO SEE WHETHER ISSUE COULD BE CONCLUDED BY CONSENSUS OR, AT LEAST, IN A LESS CONTROVERSIAL MANNER THAN LAST YEAR. WE HAD INDICATED NOV 11 THAT COLOMBIAN TEXT, WHICH WAS QUITE SIMILAR TO TEXT OF LAST YEAR, WAS EASY TO RESPOND TO BECAUSE OF THAT SIMILARITY; IT DID NOT APPEAR PROVIDE BASIS FOR AGREEMENT. WE ALSO INDICATED THAT PHILIPPINE TEXT, WHICH WE SAW FOR FIRST TIME NOV 11, AND WHICH CONTAINED NEW IDEAS, WAS WORTHY OF OUR CONSIDERATION AND REQUIRED THE DEPARTMENT'S CONSIDERATION AND THE DEPARTMENT'S VIEWS. WE NOTED THAT WE HAD NOT HAD SUFFICIENT TIME RECEIVE THE REACTIONS OF THE DEPARTMENT.

7. ALGERIAN DEL CONCURRED THAT NO ONE WOULD GAIN ANYTHING BY CONCLUDING OUR WORK ABRUPTLY. HOWEVER HE FOUND THAT IT WOULD FACILITATE OUR WORK TO HAVE BEFORE US ONLY ONE TEXT RATHER THAN TWO AND BELIEVED THAT THE PHILIPPINE AND COLOMBIAN DRAFTS COULD BE COMBINED. ALGERIAN DEL CONSIDERED PHILIPPINE LANGUAGE WHICH WOULD CHANGE NAME OF AD HOC COMMITTEE TO SPECIAL COMMITTEE WENT TOO FAR. IN THAT REGARD HE CONSIDERED COLOMBIAN DRAFT BETTER. HE SUGGESTED A SMALL GROUP BE ESTABLISHED TO COMBINE THE TEXTS. BAJA'S REACTION WAS THAT HE WOULD WELCOME ANY EFFORT WHICH WOULD RESULT IN A GENERALL ACCEPTABLE DRAFT.

8. ARGENTINIAN (GOBBI) AND SIERRA LEONEAN DELS, TOOK GENERAL POSITION THAT MOVEMENT TOWARD COMPROMISE WHICH CONFIDENTIAL

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HAD BEEN EXPRESSED AT NOV 11 MEETING AND NOW DISAPPEARED. SETTE CAMARA NOTED THAT THE ADVOCATES OF THESE TEXTS ARE OPEN-MINDED AND WISH TO PROCEED IN NEGOTIATIONS, BUT THEY ALSO WANT SOME ASSURANCE THAT THERE IS A WILL TO NEGOTIATE, OTHERWISE THEY MIGHT AS WELL TABLE THE ISSUE BEFORE THE SIXTH COMMITTEE AND RISK POLARIZATION. SPAIN ECHOED THIS REACTION ADDING THAT IF A MORE FAVORABLE AND SPECIFIC RESPONSE IS NOT FORTHCOMING AT THIS TIME, SPAIN WOULD FAVOR ADJOURNMENT OF MEETING SO THAT ADVOCATES CAN CONFER ON ACTIONS FOR THEM TO TAKE.

9. FRENCH DEL (MUSEUX) MADE STATEMENT SIMILAR TO US STATEMENT. HE INDICATED HIS VIEW THAT COLOMBIAN DRAFT IS VERY SIMILAR TO THE DRAFT CAUSING LAST YEAR'S CONFRONTATION IN THE SIXTH COMMITTEE. HE ALSO STATED THAT THE PHILIPPINE

TEXT IS ONE WHICH THE FRENCH WISH TO CONSIDER. HE HAD SOME DIFFICULTIES IN COMMENTING ON IT AT THIS TIME DUE TO THE NECESSITY OF RECEIVING INSTRUCTIONS, BUT THE FRENCH CLEARLY WISH NEGOTIATIONS TO CONTINUE AND THEY PAYED TRIBUTE TO THE PHILIPPINES FOR ITS EFFORTS TO AVOID CONFRONTATION.

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ACTION L-03

INFO OCT-01 IO-10 ISO-00 AF-06 ARA-06 EA-07 EUR-12 NEA-10

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R 132022Z NOV 75

FM USMISSION USUN NY

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10. TUNISIAN DEL REFERRED DIRECTLY TO SPANISH COMMENT, AND CONSIDERED IT VERY PREMATURE TO CALL OF CONSULTATIONS AS SPAIN PROPOSED. TUNISIAN DEL SUPPORTED THE ALGERIAN PROPOSAL TO HAVE JUST ONE TEXT. SWEDISH DEL HOPED THAT MEMBERS OF LARGER COMMITTEE WOULD NOT BE FORCED TO CHOOSE BETWEEN TWO DRAFTS. HE EXPRESSED FEAR THAT A RESOLUTION WHICH WAS NOT ADOPTED BY CONSENSUS WOULD NOT STRENGTHEN ROLE OF THE UN. HE, IN HIS CONSULTATIONS, RECEIVED INDICATIONS THAT THE PHILIPPINE DRAFT HAS SOME APPEAL TO MEMBERS AND THAT THE COLOMBIAN DRAFT RAISED PROBLEMS. THUS HE BELIEVED THAT SOMETHING ALONG THE LINES OF THE PHILIPPINE TEXT WAS WHAT WE SHOULD STRIVE FOR.

11. UK DEL (FIFOOT) NOTED THE NEED TO HAVE TIME TO STUDY AND RECEIVE INSTRUCTIONS ON THE PRECISE TEXTS WHICH HAD BEEN PRESENTED TO US THE DAY BEFORE. HE HAD HOPED THAT UK COMMENTS GIVEN EARLIER OFFERED SETTE CAMARA AND OTHERS THE HOPE THAT WITH A MEASURE OF GOOD WILL A CONSENSUS RESULT COULD BE ACHIEVED. HE DID NOT KNOW WHETHER SUCH CONSENSUS WAS POSSIBLE BUT FELT THAT THE PHILIPPINE APPROACH WAS ALONG PRIMISING LINES.

12. SOVIET DEL (KOLESNIK) STATED THAT THERE IS WIDESPREAD

FEELING THIS YEAR THAT WE MUST ARRIVE AT A CONSENSUS. HE CONSIDERED THE DIALOGUE WHICH WAS BEING CONDUCTED UNDER THE PHILIPPINE CHAIRMANSHIP SUEFUL. HE WAS SURPRISED BY STATEMENT CONCERNING TIME LIMITATIONS. HE CATEGORICALLY REJECTED ATTEMPTS TO RAM THROUGH ANY KIND OF RESOLUTION
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AT THIS TIME. HE NOTED THAT THE TWO DRAFT RESOLUTIONS BEFORE US WERE PROPOSALS OF ONE SIDE. SO, IF ASKED WHICH RESOLUTION HE LIKES, HE WOULD SAY THAT HE LIKES THE THIRD RESOLUTION, THAT ITS THE ONE THAT TAKES INTO ACCOUNT BOTH SIDES. AT THAT POINT IN MEETING GOBBI STATED THAT ONLY AGREEMENT THAT HAD BEEN REACHED AT MEETING IS THAT ALL WISH A CONSENSUS. ACCORDINGLY, MEETING SHOULD BE ADJOURNED AND FURTHER EXPLORATION OF ALTERNATIVES PURSUED IN THE COURSE OF THE SINXTH COMMITTEE.

13. COLOMBIAN DEL NOTED THAT THE SO-CALLED COLOMBIAN DRAFT WAS THE DRAT AGREED TO BY A GOOD NUMBER OF DELEGATIONS. HE ALSO BELIEVED THAT THERE WAS CONSIDERABLE AGREEMENT BETWEEN PHILIPPINE AND COLOMBIAN DRAFTS. HE STATED THAT IF ANOTHER DELEGATION COULD COME UP WITH A TEXT WHICH WOULD KEEP THE AD HOC COMMITTEE IN EXISTENCE AND SERVE TO STRENGTHEN THE UN, COLOMBIA COULD SUPPORT IT. COLOMBIA WISHED THE COMMITTEE TO RECEIVE A MANDATE WHICH WOULD MAKE IT MORE DECISIVE, A FORUM WHERE DELS COULD UPDATE THE UN AND ASSIST IN DEVELOPING A NEW INTERNATIONAL ORDER.

14. BAJA, IN SUMMARY, GAVE HIS ASSESSMENT OF MEETING THAT IT COMMON DESIRE OF DELS TO WORK TOWARD A RESOLUTION ADOPTED IF NOT BY CONSENSUS, THEN BY AS AMNY DELEGATIONS AS POSSIBLE. HE WELCOMED TUNISIAN AND ALGERIAN PROPOSALS AND WAS WILLING TO WORK WITH COLOMBIANS TO PREPARE A COMMON DRAFT RESOLUTION. HE CONCURRED WITH THE PRIOR CONCERN AS EXPRESSED BY NEW ZEALAND THAT NO MEMBER OF THE COMMITTEE SHOULD TAKE PRECIPITATE ACTION. HE APPEALED TO THE DELEGATIONS TO EXERT EFFORT TOWARD COMPRIMISE. COMMENT: THOUGH NOT EXPRESSLY STATED, BAJA GAVE THE IMPRESSION THAT HE WILL, AFTER CONSULTATIONS WITH COLOMBIA AND OTHERS, CONSIDER RECALLING THE INFORMAL GROUP FOR CONSULTATIONS. END COMMENT.

15. AFTER THE MEETING, SUPPORTERS OF THE AD HOC COMMITTEE WERE CALLED TOGETHER FOR CONSULTATIONS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CHARTER, COMMITTEE MEETINGS, ORGANIZATION & MANAGEMENT, UNGA RESOLUTIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 13 NOV 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975USUNN05933
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750396-0109
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751148/aaaabqxu.tel
Line Count: 272
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 USUN NEW YORK 5887
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 02 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <02 JUN 2003 by ElyME>; APPROVED <12 NOV 2003 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: UNGA LEGAL COMMITTEE: INFORMAL CONSULTATIONS ON AD HOC COMMITTEE ON UN CHARTER AND STRENGTHENING ROLE OF UN
TAGS: PFOR, PORG, UN
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006